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FILED  
 UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

SEP 25 AM 9:49  
 CLERK, U.S. DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 2305

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARTINEZ-Mendoza, Jorge  
 (AKA: DIAZ-Gutierrez, Jose)

Defendant.

Magistrate Case No.

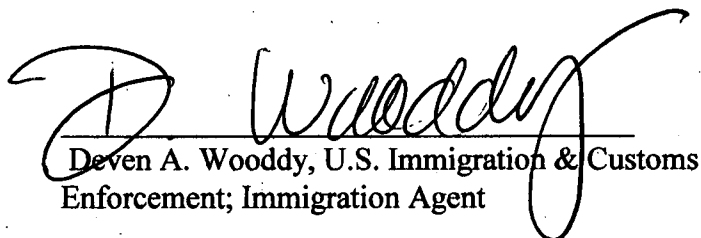
COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326;  
 Deported Alien Found in the  
 United States

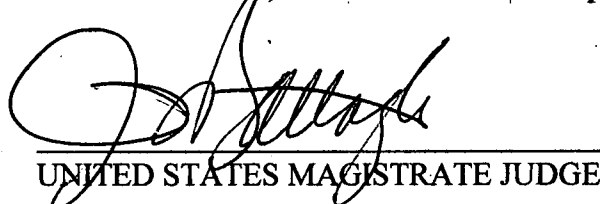
The undersigned complainant, being duly sworn, states:

On or about, **September 19, 2007**, within the Southern District of California, defendant, **Jorge MARTINEZ-Mendoza (AKA: Jose DIAZ-Gutierrez)**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
 Deven A. Woody, U.S. Immigration & Customs  
 Enforcement; Immigration Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **25th** DAY OF **September 2007**.

  
 UNITED STATES MAGISTRATE JUDGE

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**CONTINUATION OF COMPLAINT:****NAME: MARTINEZ-Mendoza, Jorge****(AKA: DIAZ-Gutierrez, Jose)****PROBABLE CAUSE STATEMENT**

As part of assigned duties of the Detention and Removal Office, Immigration Agents review various sources in order to check on aliens that have been previously removed from the United States. This is done in order to determine if subjects have returned to the United States, in violation of Title 8, United States Code, Section 1326.

On September 19, 2007, the defendant identified as, Jorge MARTINEZ-Mendoza (AKA: Jose DIAZ-Gutierrez), was arrested by the San Diego Police Department for violation of section 647(F) of the California Penal Code, "DISORDERLY CONDUCT; DRUNK". While in the custody of San Diego Jail an Immigration Enforcement Agent conducted a field interview, determined the defendant to be a citizen of Mexico, and placed an I-247 (Immigration Detainer) pending his release from custody. On September 24, 2007, the defendant was referred to United States Immigration and Customs Enforcement custody pending further investigation. Immigration Agent Deven A. Woody conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen of Mexico having been deported or removed from the United States on at least nine occasions.

A thorough review of official immigration computer database record checks revealed the defendant was most recently ordered deported from the United States, by an Immigration Judge, on or about October 21, 2005, and most recently removed to Mexico via the San Ysidro Port of Entry on May 26, 2007. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint Identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Jorge MARTINEZ-Mendoza, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

All information indicates that the defendant is a citizen of Mexico having been previously removed and has not legal right to enter or reside in the United States.

Based upon the foregoing information, there is probable cause to believe that Jorge MARTINEZ-Mendoza has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.